

SUBCHAPTER C : PERMIT APPLICATION
§290.37

§290.37. Processing Permit Applications for Water Hygiene Operations.

(a) Time periods. Applications from individuals for permits of approval for waterworks operators, bottled water plant operators, residential water treatment facility operators, solid waste technicians and sanitarians shall be processed in accordance with the following time periods.

(1) The first period is a time from the date of receipt by the Division of Water Hygiene of the fee remittance list, with the application attached, to the date the department issues a written notice approving a completed application or stating the reasons why the application is incomplete. A completed application is defined as an application with fee receipt, education, experience and training requirements listed, necessary supporting documents attached and the completed examination. The 45-day time period begins on the date the fee remittance list is received by the Division of Water Hygiene from the fiscal division. The time periods for each initial application and each renewal application are 45 days for: waterworks operator certificate of competency; bottled water plant operator certificate of competency; residential water treatment operator certificate of competency; solid waste technician letter of competency; and sanitarian registration.

(2) The second period is a time from date of receipt of the last item necessary to complete the application to the date of issuance of written notice approving or denying approval of the application. The time periods for each initial and renewal application are 30 days for: waterworks operator certificates of competency; bottled water plant operator certificates of competency; residential water treatment facility operator certificates of competency; solid waste technician letters of competency; and sanitarian registration.

(3) A written notice will be issued informing the applicant the application is complete or incomplete. If the application is found to be incomplete, the specific additional information required will be listed on the notice. From the date of receipt of the last item necessary to complete the application to the date of issuing written approval or disapproval, an additional 30-day period will be required. The time expended for the applicant to complete the listed deficiencies is exclusive of this 30-day period.

(4) The time period will be reviewed annually and is subject to change.

(b) Reimbursement of fees.

(1) In the event the application is not processed in the time periods as stated, the applicant has a right to request of the program administrator full reimbursement of all filing fees paid in that particular application process. If the administrator does not agree that the established periods have been violated or finds that good cause existed for exceeding the established periods, the request will be denied.

(2) Good cause for exceeding the period established is considered to exist if:

(A) the number of applications to be processed exceeds by 15% or more the number processed in the same calendar quarter of the preceding year;

(B) another public or private entity used in the application process caused the delay; or

(C) other conditions existed giving good cause for exceeding the established periods.

(c) Appeal. If the request for full reimbursement authorized by this section is denied, the applicant may appeal directly to the commissioner of health for resolution of the dispute. The procedure for the appeal is that the applicant shall send a written statement to the commissioner describing the request for reimbursement and the reasons for it. The program also may send a written statement to the commissioner describing the program's reasons for denying reimbursement. The commissioner shall make a timely decision concerning the appeal and notify the applicant and program in writing of the decision.

(d) Contested case hearings. Time periods involved in contested case hearings will be the periods described in §1.34 of this title (relating to Time Periods for Conducting Contested Case Hearings).